

Voters pass alcohol fines

Law will help police combat underage drinking

BY SUSANNA SHEEHAN CLIPPER EDITOR

At the annual Town Meeting late Saturday afternoon, an overwhelming majority of voters approved a measure that will allow Duxbury police officers to ticket to underage drinkers instead of arrest them. The vote on Article 14 was 181 in favor to 9 opposed. It was the last action voters took at the all-day session of town meeting on March 12.

Duxbury Police Chief Matthew Clancy proposed the article, which will add language to the town's Chapter 7 public safety bylaw that allows police to ticket minors for underage alcohol possession if they feel that is the appropriate action under the circumstances.

The tickets carry fines.

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The first offense is \$150; the second and additional offenses are \$300 each.

Clancy said that this law gives police "a new tool" to apply to minors caught at house parties and it gives them a consequence that is not as bad as being arrested but is worse than having a stern talking-to by their parents.

The ticket would be handled under a civil process, not a criminal one. The minor would not have a permanent court record of the offense and would not lose their driver's license. The tickets could also be appealed in court.

"Nothing else changes," said Clancy. "The probable cause standards all stay the same. The constitutional rights stay the same."

Clancy said the law had been used with success in other towns, many on Cape Cod.



Duxbury Police Chief Matthew Clancy spoke on his article.

Having police intervention and a consequence such as the tickets for underage drinking can often help when a teen is on a path to further substance abuse, according to Clancy. To explain this position, he discussed the opioid epidemic and the ways police are trying to both combat the problem and help young people at the same time.

The majority of speakers supported Article 14.

One resident who grew up in Arizona said she received a ticket for drinking when she was a teen and it changed her life for the better.

“It was a stupid mistake but I was thankful that I had the opportunity to learn from it,” she said. “It forced me to think about it. I went home and had to tell my dad and you could see the trust just drain out of his face....I was very thankful that I didn’t have a criminal record.”

Duxbury FACTs coordinator Karen Wong said that her group, which has been addressing substance abuse and mental health and wellness for Duxbury’s children since last year, has learned that young people in crises or who have come through crises have repeated the message that if they only had consequences in the beginning when they started using drugs or having problems, then they could have averted a larger problem.

“They said if only I had more consequences early on, consequences that matter and that didn’t ruin a career for a college opportunity,” said Wong.

Attorney Brian Cook of St. George Street said he was in criminal courts frequently for work and heard kids say the following on more than one occasion: “I didn’t realize. I didn’t think it was a crime. I just had a drink.”

Cook said he hoped that Duxbury police would be fair when using the tickets.

“We need to have standardized enforcement – not one standard for athletes and another for others,” he said.

Dennis Symmonds, a police officer in Duxbury since 1974 and the department supervisor on the 4 p.m. to midnight shift, has seen years of underage drinking at house parties and he wanted the option to issue tickets instead of making arrests. “This is a long time coming,” said Symmonds. “I applaud Chief Clancy and these committees for bringing this forward. We have some wonderful children in this town and I wish I had the opportunity to write some of them citations years ago instead of placing them under arrest. I encourage you to vote in favor of this and give me the tool to issue a citation.”

Clancy said the new law won’t affect the current police policy when responding to underage drinking at house parties. The policy consists of police getting to the party, “corralling kids” and making sure they are safe, getting their IDs and then calling their parents. House parties are “a tremendous drain on police resources,” he said and can shut down police operations for two to three hours.

The new law also won’t affect the drunk drivers. Anyone operating a vehicle under the influence will be arrested. Also, Clancy said “frequent fliers,” or kids who are caught at parties a lot, will probably not get the more lenient ticket option and be arrested and then, he said, “There’s always someone who is going to talk themselves into handcuffs.”

In addition to the majority of town meeting voters, the following organizations supported this article: the Board of Selectmen, the Finance Committee, the School Committee, Duxbury FACTs, the high school and middle school PTOs and Plymouth County Sheriff Joe MacDonald.